

Civil No. A075027

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FOUR

CHURCH OF SCIENTOLOGY)	
INTERNATIONAL,)	(Marin County Superior
)	Court No. 157680
Plaintiff-Respondent,)	
)	
vs.)	
)	
GERALD ARMSTRONG,)	
)	
Defendant-Appellant.)	
)	
)	

APPLICATION FOR EXTENSION OF TIME
TO FILE RESPONDENT'S BRIEF;
DECLARATION OF KENDRICK L. MOXON; ORDER

Plaintiff-Respondent, Church of Scientology International, respectfully requests an extension of time of 45 days within which to file its Responsive Brief because of the time involved in the duplication of the extensive appellate record and the unavailability of Respondent's lead appellate counsel for this appeal, due to scheduling conflicts in other litigation.

Respondent has obtained one prior extension of 30 days for the filing of its
appellate brief.

Dated: October 19, 1997

Respectfully submitted,

MOXON & BARTLSON

By: 

Kendrick L. Moxon

- and -

Andrew H. Wilson
Wilson Campilongo, LLP

Attorneys for Respondent

DECLARATION OF KENDRICK L. MOXON

I, Kendrick L. Moxon, hereby declare and state:

1. I am an attorney of record for Respondent Church of Scientology

International. I have personal knowledge of the matters set forth below, and if called upon to do so, could and would competently testify thereto.

2. Eric M. Lieberman, of the firm of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., is the lead appellate counsel for the plaintiff-respondent. Mr. Lieberman's participation in this appeal is especially important as he was appellate counsel for the Church of Scientology International in its successful litigation of a 1994 interlocutory appeal to the Second Appellate District of the California Court of Appeal brought by Defendant-Appellant on several issues similar to those currently at issue in his appeal. Due to several of long-scheduled summary judgment briefings in federal litigation in California and Colorado, Mr. Lieberman has been unable to prepare Respondent's appellate opposition. The preparation of the response has also been delayed by the necessity of respondent to sort out and duplicate the extensive appellate record on which Appellant has relied -- a record of over 224 items. Appellant did not provide Respondent with an appendix of documents in support of his appellate brief and very substantial time has been needed to determine the documents to which Appellant has referred throughout his opening brief.

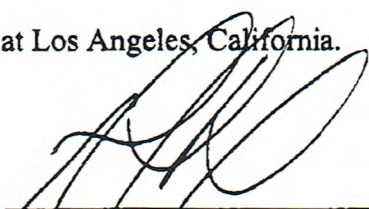
3. Respondent has obtained a single, 30 day, extension of time to file its

responsive brief. It is clear from the history of this appeal that there will be no prejudice to Appellant or to the Court in a further extension. Appellant noticed his appeal on July 8, 1996. This Court gave notice of the filing of the appellate record and that Appellant's brief was due on May 29, 1997. Appellant requested and obtained a total of three extensions, ultimately filing his opening brief on August 25, 1997, 81 days after the date originally set by the Court and over 13 months since Appellant noticed his appeal. Since the extension of the appellate process has been substantially of Appellant's choice, a further continuance for Respondent (for a total additional time still less than that requested and obtained by Appellant) will not cause prejudice to Appellant.

4. This application is made in good faith and because additional time is reasonably necessary and is not made for any purpose of delay.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of October, 1997 at Los Angeles, California.



Kendrick L. Moxon

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CHURCH OF SCIENTOLOGY)	
INTERNATIONAL,)	(Marin County Superior
)	Court No. 157680)
Plaintiff-Respondent,)	
)	
vs.)	
)	
GERALD ARMSTRONG,)	
)	
Defendant-Appellant.)	
)	

ORDER

IT IS ORDERED that Respondent Church of Scientology International may have an extension of time of 45 days in which to file its responding brief, up to and including December 8, 1997.

Dated: October __, 1997

PRESIDING JUSTICE

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action.

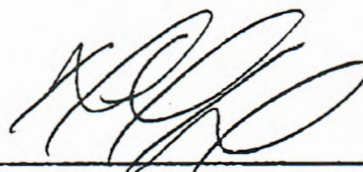
On October 20, 1997, I served the foregoing document described as APPLICATION FOR EXTENSION OF TIME TO FILE RESPONDENT'S BRIEF; DECLARATION OF KENDRICK L. MOXON; ORDER on interested parties in this action, by placing the true copies thereof in sealed envelopes as follows:

Gerald Armstrong
c/o George W. Abbott
2245-B Meridian Blvd.
PO Box 98
Minden, NV 89423-0098

Executed on September 24, 1997.

KENDRICK MOXON

Print or Type Name



Signature